

ROLL CALL Present: Council Members - Hinchman, Olson, Reid, Snider and Pinkerton (Mayor)

Absent: Council Members - None

Also Present: City Manager Peterson, Assistant City Manager Glenn, Community Development Director Schroeder, Assistant City Engineer Prima, City Attorney McNatt, and City Clerk Reimche

INVOCATION The invocation was given by Dr. Wayne Kildall, Center of Hope.

PLEDGE OF ALLEGIANCE The Pledge of Allegiance was led by Mayor Pinkerton.

PRESENTATIONS There were no presentations, proclamations or awards presented at this meeting.

CONSENT CALENDAR In accordance with report and recommendation of the City Manager, Council, on motion of Mayor Pro Tempore Snider, Hinchman second, approved the following items hereinafter set forth with the following exceptions which items were removed from the Consent Calendar and discussed and acted upon immediately following approval of the Consent Calendar:

a) Agenda Item E-15 - Accept improvements under Well Drilling, Well 22, 2040 South Cherokee Lane, Contract, and direct the Public Works Director to file a Notice of Completion with the County Recorder's Office.

b) Agenda Item E-21 - Set public hearing regarding unmet transit needs.

c) Report regarding use of Community Service and Work Furlough Programs.

* * * * *

CLAIMS CC-21(a) Claims were approved in the amount of \$4,667,543.78.

MINUTES The Minutes of November 16, 1988 were approved as written.

RESOLUTION ADOPTED
APPROVING SALARY
ADJUSTMENTS FOR
CITY COUNCIL APPOINTEES

RES. NO. 88-163 The City Council adopted Resolution No. 88-163 setting the monthly control points for its appointees effective January 1, 1989 as follows: These amounts include salary, pension, and deferred compensation.

CC-34

CONTROL POINT EFFECTIVE 1/1/89

\$6,758

\$5,744

\$3,719

RESOLUTION ADOPTED
RATIFYING NEGOTIATED
AND APPROVED SALARY
INCREASES

RES. NO. 88-164

CC-34

The City Council was apprised that four bargaining units have negotiated mid-year salary adjustments to be effective December 26, 1988 in the case of the electric unit, and January 9, 1989 in the case of the General Services, Maintenance and Operators, and Police Dispatcher units.

The City Council adopted Resolution No. 88-164 - A Resolution of the Lodi City Council Ratifying Negotiated and Approved Salary Increases.

SPECIFICATIONS FOR
THE PURCHASE OF
WATTHOUR METERS
APPROVED

CC-12.1(b)

The City Council approved the specifications for the purchase of 768 Watthour Meters and authorized the advertisement for bids.

SPECIFICATIONS FOR
ASPHALT MATERIALS
FOR THIRD AND FOURTH
QUARTERS OF FISCAL
YEAR 1988-89
APPROVED

CC-12.1(c)

The City Council approved the specifications for asphalt materials for third and fourth quarters of fiscal year 1988-89 and authorized advertising for bids.

PLANS AND SPECIFICATIONS
FOR WELL 22 PUMP AND
MOTOR APPROVED

CC-12.1(b)

The City Council approved the plans and specifications for Well 22 Pump and Motor, 2040 South Cherokee Lane, and authorized advertising for bids.

This project includes the purchase and installation of a water well pump and above-ground motor for Well 22 located on Cherokee Lane, south of Century Boulevard. The specifications include provisions for comparing bids based on first cost plus energy costs. Thus, the recommendation for award may not be to the apparent low bidder.

RESOLUTION ADOPTED
REVISING THE STORM
DRAIN FEES

RES. NO. 88-165

CC-6

CC-56

CC-176

The City Council was advised that in November, the City Council adopted an Ordinance concerning storm drainage fees in order to comply with AB1600. The actual new fees are to be adopted in this implementing Resolution. The recommended fees are \$4,830 per gross commercial/industrial acre; \$3,620 per gross residential acre; and \$1,210 per acre of residential to commercial/industrial conversion if the property had previously paid a Master Drainage Fee. Present fees total \$5,170 per gross acre.

City staff prepared a report "Storm Drainage Fee Study, November 1988" which included the background material supporting the proposed fees. This report was sent to 18 members of the development community (engineers, developers, and builders) and the newspapers, as well as to the City Council.

An informational meeting was held on Friday, December 2 which one local engineer attended. Staff has received no other response to the study.

One issue that was raised at the meeting was that of reimbursements. Under the terms of Section 4 of the Ordinance, the City will reimburse developers for the oversizing necessary for Master Plan Storm Drains at the time of development. Reimbursements for other minor oversizing is not covered by the Ordinance and Resolution. Staff intended to rely on the State Subdivision Map Act which provides for reimbursement agreements covering the affected property. This means that the developer must wait for the affected property to develop in order to collect the reimbursement. This issue was formerly covered by the City's In-Tract Fee and Credit system which does not comply with AB1600 and is being dropped.

Staff proposes to rewrite the City's reimbursement procedures not only for storm drainage, but for water and wastewater lines as well. The general concept proposed is that frontage type reimbursements be collected from the adjacent property at the time of its development. In these cases the first developer is installing a facility needed by the first development anyway. Where facilities are oversized to provide capacity for land beyond the first development, it is proposed the City pay the reimbursement to the first developer and collect from the second development when it develops. (i.e. set up a revolving fund). Details of this concept will be worked out and presented to the Council early in 1989 unless Council provides other direction.

The City Council adopted Resolution No. 88-165 revising the storm drain fees.

CONTRACT AWARDED
FOR ANNUAL LANE LINE
PAINTING, VARIOUS
STREETS, 1988

RES. NO. 88-166 Staff presented the following bids which had been received
CC-12(a) for the Contract for Annual Lane Line Painting, Various
Streets, 1988:

NAME OF BIDDER	AMOUNT
Central Striping, Inc.	\$14,990.20
Safety Striping Service	\$16,844.43

This project provides painting of lane lines on arterial and collector streets on an annual basis and approximately 50 percent of lane lines on residential streets. Bids were opened on November 16, 1988 and the heretofore listed bids were received. The cost of painting a mile of lane line is approximately the same since the last time the City requested bids, which was November, 1987.

The City Council adopted Resolution No. 88-166 awarding the contract for Annual Lane Line Painting, Various Streets, 1988 to Central Striping Service in the amount of \$14,990.20.

BID AWARDED FOR THE
PURCHASE OF ACTON
THEATER CHAIRS

RES. NO. 88-167 On November 16, 1988, the City Council authorized
CC-12(d) re-advertisement for bids for 50 Acton upholstered theater
chairs with tilt-up seats, following rejection of bids

previously opened on August 30, 1988. The chairs are for use in the Fine Arts Theater at Hutchins Street Square. Bids were opened on November 29, 1988 with results as follows:

BIDDER	AMOUNT
JHL Office Interiors	\$7,062.25
Warden's Office Furniture	\$7,170.37
Durst Office Furniture	\$7,350.04
California Office Furniture	\$8,576.46

The Fine Arts Theater currently has 15 Acton chairs which are used for small meetings and events. In order to accommodate larger groups the Theater requires additional units with tilt-up seats to match existing chairs.

\$7,500 was budgeted for this purchase and is available in the 1988-89 Equipment Fund.

The City Council adopted Resolution No. 88-167 awarding the bid for the purchase of 50 Acton upholstered theater chairs for Hutchins Street Square to the low bidder, JHL Office Interiors in the amount of \$7,062.25.

MID-MANAGEMENT
EMPLOYEES ADDED TO
THE CITY'S TRAVEL
INSURANCE POLICY

RES. NO. 88-168

CC-34

The City Council was advised that for the past 20-plus years, the City of Lodi has carried a travel insurance policy on its department heads which provided \$100,000 benefit if the employee died when on City business outside the city limits.

Over the past years more and more Mid-Management employees are attending schools, conferences or are involved in professional organizations. The price for adding the Mid-Management employees to this policy is \$540.00 per year.

The City Council adopted Resolution No. 88-168 authorizing the addition of Mid-Management employees to the City of Lodi Travel Insurance Policy and appropriated \$540.00 from the Contingency Fund to pay the additional premium.

BID AWARDED FOR THE
PURCHASE OF 280
100-WATT HIGH-PRESSURE
SODIUM LUMINARIES

RES. NO. 88-169

CC-12(d)

On November 16, 1988, the City Council approved specifications and authorized advertisement for bids for a total of 280 100-Watt High-Pressure Sodium luminaries (110 each 120-volt and 170 each 240-volt). Bids were opened on November 29, 1988, with the following results:

BIDDER	AMOUNT
Westinghouse Electric Supply Co.	\$18,942.20
Lingo Industrial Lighting	\$20,642.22
Valley Electric company	\$25,673.20
Capital Wholesale Electric	\$25,880.96

Continued December 21, 1988

Consolidated Electric Distributors \$26,385.52

Graybar Electric Bid received late

Hi-Line Electric Supply Bid received late

The 1988-89 Street Light Maintenance Budget includes funds for the conversion of 240 luminaires from Mercury Vapor to High Pressure Sodium, as part of an energy-savings program. Savings from each year's conversion is estimated at about 95,000 KWH per year.

Some of the areas where conversions will take place this fiscal year are Corinth Street, Oxford Way, Rivergate Drive and Willow Glen. The balance of the quantity purchased will be placed in inventory to support routine maintenance and replacement.

Funds for this purchase are available in the General Fund under the Public Works Street Department/Street Light Maintenance account.

The City Council adopted Resolution No. 88-169 awarding the bid for the purchase of 280 100-watt high pressure sodium luminaries to Westinghouse Electric Supply Company in the amount of \$18,942.20 and authorized the sale of mercury vapor luminaires being replaced.

BID AWARDED FOR THE
PURCHASE OF #2 15KV
XLPE CABLE

RES. NO. 88-170

CC-12(d)

On October 15, 1988, the City Council approved specifications and authorized advertisement for bids for #2 15 KV XLPE Cable. Bids were opened on November 1, 1988, with the following results:

BIDDER	PRICE	ESCALATION FACTORS*
G. E. Supply	\$18,995.20	(1)
Maydwell & Hartzell	\$20,097.60	(1)
Pirelli	\$21,433.20	None-Price firm
Valley Electric	\$22,048.00	Maximum 1%
Cablec/Phillips	\$24,104.40	(1)
Reynolds	\$24,782.80	(2)
PowerCom	\$28,259.60	(1)
Westinghouse Electric	Too late to qualify	

* Escalation Factor footnotes: (1) Escalation based on prices of copper and aluminum at time of shipment

(2) Escalation based on price of copper only at time of shipment (aluminum price is firm)

The low bidder's quote was based on prices of \$1.28 and \$1.12 per pound, respectively for copper and aluminum.

Although the low bidder indicated no cap on escalation, copper and aluminum prices would have to reach \$2.10/lb. and \$1.22/lb., respectively, for the purchase from Pirelli Cable (whose price is firm) to be the best buy for the City. (Current metal prices are \$1.68/lb. and \$1.08/lb. respectively and May copper future were \$1.29/lb. as of December 9, 1988).

The estimated total cost of this purchase if \$20,000 based on estimates that copper will stabilize at about \$1.65 and aluminum will remain below \$1.12 per pound.

Funding is available in the Electric Utility Department's operating fund, and delivery is expected in about five months.

The City Council adopted Resolution No. 88-170 awarding the bid for the purchase of #2 15 KV XLPE Cable to the low bidder, General Electric Supply Company.

IMPROVEMENTS UNDER
WELL 10R STORM DRAIN,
LIME STREET TO 900
FEET NORTH OF LIME
STREET, CONTRACT
ACCEPTED

CC-90

The City Council accepted the improvements for "Well 10R Storm Drain, Lime Street to 900 Feet North of Lime Street", and directed the Public Works Director to file a Notice of Completion with the County Recorder's office.

The subject contract was awarded to Claude C. Wood Company of Lodi on August 17, 1988 in the amount of \$59,514.00. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was November 11, 1988, and the actual completion date was November 9, 1988. The final contract price was \$58,528.00. The difference between the contract amount and the final contract price is mainly due to changes in quantities.

DEVELOPMENT AGREEMENT
FOR 1918 SOUTH CHURCH
STREET APPROVED

CC-46

The City Council approved the Development Agreement for 1918 South Church Street and directed the City Manager and City Clerk to execute it on behalf of the City.

The City Council was apprised that Geweke Properties, the developer of this property, has furnished the City with the improvement plans, the necessary agreements, guarantees, insurance certificates, and fees for the proposed development.

The development is located at 1918 South Church Street and will contain 80 apartment units. The parcel is approximately 3.2 acres in size.

DEVELOPMENT AGREEMENT
ADDENDUM FOR 1211
EAST VINE STREET
APPROVED

CC-46

The City Council approved the Development Agreement Addendum for 1211 East Vine Street, including a special allocation for \$1,200 to cover unbudgeted funds required, and authorized the City Manager and City Clerk to execute the agreement addendum on behalf of the City.

Continued December 21, 1988

The City Council was advised that MCP Investments has signed an agreement with the City for the development of the property at 1211 East Vine Street. This Development Agreement Addendum covers the installation of a 30" storm drain line in Vine Street, which is the City's responsibility. It is in the City's best interest to have the developer's contractor complete this work at the time the development improvements are installed.

The total amount of the addendum is \$22,200; \$21,000 was budgeted for this project in the 1988/89 Capital Improvement Program. The \$1,200 special allocation is to cover the difference between the budgeted amount and the actual work. These dollars will come from the 123 Master Drain Fund.

RENEWAL OF WHITE
SLOUGH LEASE AGREEMENT
WITH ALFRED B. BECHTHOLD,
AREA LOCATED AT 12751
NORTH THORNTON ROAD
APPROVED

CC-6
CC-27(a)
CC-90

The City Council approved the renewal of the White Slough Lease Agreement with Alfred B. Bechthold, area located at 12751 North Thornton Road, and authorized the City Manager and City Clerk to execute the agreement.

At a regular council meeting of August 3, 1983, the City Council directed staff to renegotiate the lease agreement on a portion of the White Slough Property with the present lessee, Mr. Bechthold. During these negotiations an agreement was made that raised the annual fee from \$65.00 per acre/year to \$82.00 per acre/year for the period January 1, 1984 through December 31, 1988. Additionally, the lessee had agreed to perform at his cost (\$30,000+) major land leveling of all land being rented over this five-year period in return for an additional five-year lease rental option.

On June 13, 1988, Mr. Bechthold informed the City of his desire to renew the current lease under the five-year renewal option in the existing lease agreement. Mr. Bechthold has land leveled all farmable land, with the exception of a 44-acre parcel, which is now being accomplished.

Under the current lease agreement, Mr. Bechthold is leasing 421 acres. Included in this acreage are two areas that are unfarmable and useless to Mr. Bechthold. One area is a former entrance road from Thornton Road and dead-ending into the east side of I-5. The second area, located on the east side of the freeway on the City's south property line in which two trunk lines (33" Industrial and 48" Domestic Sewers) were constructed at such a shallow depth that the land cannot be cultivated. These two areas, totaling 3 acres, are being excluded from the new lease agreement.

Additionally, the Public Works Department has negotiated the following increasing rental rate with Mr. Bechthold:

<u>YEAR</u>	<u>\$ AC/YR</u>	<u>TOTAL ACRES</u>	<u>ANNUAL RENT</u>
1989	\$90	418	\$37,620
1990	\$95	418	\$39,710
1991	\$100	418	\$41,800

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1992	\$105	418	\$43,890
1993	\$110	418	\$45,980

The total rent under this renegotiated five-year agreement will be \$208,000, up \$35,390 from the prior five-year agreement. It should be pointed out that the use of the land is restricted and regulated by the State Department of Health Services since the land is being irrigated by treated plant effluent.

PURCHASE AGREEMENT
FOR WELL 23 SITE,
55 EAST HARNEY LANE
APPROVED

The City Council approved the agreement for the purchase of Well 23 Site and authorized the City Manager and City Clerk to execute it on behalf of the City.

CC-6
CC-27(a)
CC-90
CC-183(b)

The City Council was informed that in January of 1988, the City received a right-of-entry agreement to drill a test well on this site for the purpose of determining the suitability of the site for a well. The test well proved satisfactory and the City proceeded with the negotiations to purchase the site. Lodi Development Inc., has signed the Grant Deed, Water Well Exclusion Easement and the agreement for the purchase of this property. The City will pay \$23,450 for the well site and the access and easement rights needed for the well. The City plans to go to bid in January, 1989 for the well drilling.

AGREEMENT WITH POWER
ENGINEERS, INC. FOR
DRAFT ENVIRONMENTAL
IMPACT REPORT AND
PRELIMINARY SUPPORT
SERVICES FOR THE
PROPOSED INDUSTRIAL
SUBSTATION CONSTRUCTION
APPROVED

The City Council approved an agreement with Power Engineers, Inc. for a Draft Environmental Impact Report and preliminary support services for the proposed Industrial Substation construction, and authorized the City Manager and City Clerk to execute the agreement. Funds were allocated from the Utility Outlay Reserve to cover this expenditure.

CC-6
CC-51(d)
CC-90

The City Council was advised that negotiations between City staff and PG&E have produced mutual Letters of Intent which initiate the environmental impact review stage of the proposed substation project.

This new substation will be the power supply interconnection point between the City's electrical system and the 60-kv PG&E transmission system. PG&E has agreed to upgrade its system to provide reliable and adequate power transfer to the City.

Additionally, this new substation will alleviate a serious maintenance and operation problem with which the City has had to cope for many years.

Power Engineers, Inc. has prepared a project plan and supplied preliminary engineering design support for negotiations.

The commitment of the parties and the project plan are at a point where the City needs to develop a Draft Environmental Impact Report (DEIR) which will require a preliminary general arrangement plan and substation design criteria.

Continued December 21, 1988

Following is a budget for professional services to accomplish the above DEIR and associated support services.

Labor (1300 hours)	\$71,973
Expenses	<u>17,500</u>

Total Estimated Labor and Expenses through February 1989	\$89,473
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RESOLUTION ADOPTED
AMENDING THE CITY OF
LODI CONFLICT OF INTEREST
CODE FOR VARIOUS CITY
BOARDS AND COMMISSIONS
AND DESIGNATED EMPLOYEES

RES. NO. 88-171 The City Council was apprised that in reviewing the City's
CC-6 Conflict of Interest Code for various City boards and
 commission members and designated employees, it was found
 that, in order to comply with Fair Political Practices
 Commission regulations, the City needs to modify the list
 of designated employees in the City of Lodi who are
 required to file. The modifications include the addition
 of the following employees:

Personnel Director
Community Center Director
Manager, Rates and Resources
Senior Buyer/Storekeeper
Buyer
Fire Shift Supervisor
Recreation Superintendent

Other modifications were made as a result of job title changes.

The following language was also added to the amended resolution:

"Failure to file the required statement in a timely fashion may result in the imposition of monetary sanctions under Government Code Section 91013(a)".

City Attorney McNatt reported that, following a review of the matter, it was his recommendation that the Lodi Senior Citizens Commission be deleted from the City of Lodi Boards and Commissions required to file Statements of Economic Interest.

The City Council adopted Resolution No. 88-171 amending the City of Lodi Conflict of Interest Code for various City board and commission members and designated employees effective January 1, 1989. The Senior Citizens Commission was deleted from the list of boards and commissions required to file Statements of Economic Interest under Resolution No. 88-171.

DESTRUCTION OF CERTAIN
RECORDS RETAINED BY THE
CITY CLERK APPROVED

RES. NO. 88-172 The City Council adopted Resolution No. 88-172 approving
CC-6 destruction of certain files retained by the City Clerk
 which are over two years old and are no longer required.
 The City Attorney had given his written consent to the
 destruction of these files pursuant to State of California
 Government Code Section 34090.

Continued December 21, 1988

SAN JOAQUIN COUNTY
WASTE MANAGEMENT
PLAN REVIEW SET FOR
PUBLIC HEARING

CC-7(b)
CC-54

The City Council was advised that the County of San Joaquin has recently completed its Hazardous Waste Management Plan as required by law. Copies have been distributed to the City Council and to the press. The City Council received for filing the San Joaquin County Hazardous Waste Management Plan and set Wednesday, January 18, 1989 at 7:30 p.m. as the date and time for a public hearing on the matter.

TRANSFER OF RESPONSIBILITY
FOR HOUSING REHABILITATION
FROM THE CITY OF LODI TO
SAN JOAQUIN COUNTY
APPROVED

CC-7(b)
CC-25
CC-57

The City of Lodi approved the transfer of funds allocated to the Lodi Housing Rehabilitation Program to the San Joaquin County Housing Rehabilitation Program and the City Council authorized San Joaquin County to perform housing rehabilitation in the City of Lodi on the City's behalf with the funds the City contributes to the San Joaquin County Housing Rehabilitation Program.

The Lodi City Council was advised that the City of Lodi currently funds its Housing Rehabilitation Program with Community Development Block Grant (CDBG) monies provided by the U. S. Department of Housing and Urban Development (HUD). HUD gives an annual grant directly to San Joaquin County. The County, in turn, allocates a portion of that grant to each of the entities under its jurisdiction, including Lodi, through an Urban County Agreement. San Joaquin County also uses CDBG money to fund their own Housing Rehabilitation Program.

The "urban county" relationship between Lodi and San Joaquin County places both entities under certain restrictions as set forth in the Housing and Community Development Act of 1974. In this regard, HUD has recently stated its concern with Lodi having a housing rehabilitation program in the presence of a rehabilitation program at the County. Even though these two programs are different, HUD's interpretation of Section 106(b) of the Act places the responsibility of administering a comprehensive program of any type in an urban county to the urban county (i.e. San Joaquin). Jimmy Prater, Program Manager with the HUD Regional Office in San Francisco, in a recent letter to San Joaquin County and the City of Lodi says:

"... the urban county is considered to be a specially constituted single entity, created by statute to receive one entitlement grant, and that the county, as administrator of the grant, must have full authority under state law or cooperation agreements to carry out all essential activities in the entire area comprising the urban county."

"In this context, the individual units of general local government (cities) included in the urban county do not have an independent role because they are (all or part of) the "urban county". Consequently, when a CDBG activity is undertaken by an included unit of general local government, it is an urban county activity, paid for with urban county funds, for which the urban county has full responsibility to HUD, whether the activity is actually contracted for or undertaken by the county or the city, and regardless of whether payments for the cost of the activity are made directly by the county or by the city."

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Therefore, because this matter has only recently come to light, HUD is requiring Lodi to comply with this provision by transferring the approximately \$318,000 currently allocated to the Lodi Housing Rehabilitation Program to the San Joaquin County Housing Rehabilitation Program. Henceforth, San Joaquin County will be responsible for providing rehabilitation loans for the City of Lodi from these funds and whatever funds Lodi may allocate to this program in future fiscal years.

The Neighborhood Preservation Division of San Joaquin County has tentatively agreed to assume the responsibility of providing rehabilitation loans for the City of Lodi. In fact, they have been handling the bulk of the administration and processing for Lodi's program since its inception. From an administrative standpoint, then, switching over to the San Joaquin program will not result in a noticeable change for the City.

San Joaquin's program, however, differs somewhat from Lodi's. Their loan limits are generally higher and their interest rates for amortized loans are lower. In addition, their program covers not only single-family owner-occupied homes, but rental and multi-family housing units as well, although the former type receives the highest order of priority. Finally, the County's banker is Security Pacific, whereas Lodi has worked with Bank of America.

To achieve the transfer of programs, the City needs to enter into a new contractual agreement with San Joaquin County. This agreement would establish the rules for the usage of funds, rehabilitation boundaries, administrative charges, etc., in regard to Lodi's portion of funds. Lodi then needs to transfer these funds to the county. San Joaquin will need to amend their Program Guidelines to include Lodi within its jurisdiction. Bank of America has already been notified that the City does not intend to renew the loan agreement with them that expired December 10, 1988.

CONCLUSION: By virtue of the fact that HUD stipulates the conditions for the usage of the funds they provide, there are no policy considerations involved. HUD has essentially left the City with no alternative but to comply with their request or abandon housing rehabilitation efforts with grant funds altogether. As the City Council has often indicated that they are committed to housing rehabilitation, staff recommended that the City Council approve the transfer of interest in the Lodi Housing Rehabilitation Program to the San Joaquin County Rehabilitation Program. Staff does not believe the overall rehabilitation of housing in Lodi will be diminished as a consequence of the recommended action.

RESOLUTION ADOPTED
APPROVING REPLACEMENT
OF ONE OF THE SURETY
FIRMS UNDERWRITING
THE PERFORMANCE BOND
REQUIRED BY PG&E
PURSUANT TO THE
INTERCONNECTION AGREEMENT
DATED JULY 29, 1983
BETWEEN PG&E AND
NORTHERN CALIFORNIA
POWER AGENCY (NCPA)

RES. NO. 88-173 The City Council adopted Resolution No. 88-173 approving replacement of one of the surety firms underwriting the

Continued December 21, 1988

CC-7(j)

performance bond required by PG&E pursuant to the interconnection Agreement dated July 29, 1983 between PG&E and Northern California Power Agency (NCPA) and authorized the City Manager and City Clerk to execute the agreements in the form requested by NCPA.

The City Council was advised that NCPA has requested execution of the subject documents to reflect the fact that one of the original surety firms, Aetna, has discontinued writing such bonds and a substitute surety firm, The Travelers Indemnity Company, has agreed to take over for Aetna.

Appropriate changes in the form requested by NCPA are contained in the subject documents.

REPORT RECEIVED
CONCERNING A QUESTION
THAT WAS RAISED
REGARDING THE MINUTES
OF OCTOBER 19, 1988 OF
AN AGENDA ITEM CONCERNING
CITY COUNCIL CONCURRENCE
IN THE PURCHASE OF TWO
DIAL-A-RIDE MINI

VANS

CC-6

CC-20

CC-47

The City Council received the following report concerning minutes of October 19, 1988 regarding an agenda item concerning the approval of specifications for two Dial-a-Ride mini vans:

At the regular meeting of October 19, 1988, the City Council took action concurring in the City purchase of two mini-vans for use in the Dial-A-Ride program. Due to a miscommunication in-house, these vans were acquired without going to formal bid. Informal contacts were made and the purchase was made from that dealer offering the best price and quickest delivery. The purchase was from Hayward Dodge at a cost of \$14,300, including tax, per vehicle.

When this purchase became known to the City Manager's office, contact was immediately made with the City Attorney and the Purchasing Officer. Two alternatives were apparent. The first was to cancel the order and proceed through the formal bid process. The second was to request City Council concurrence in the purchase, determining that to do so would be in the best interest of the City. In support of choosing the second alternative (proceeding with the purchase) staff obtained data from area dealers reaffirming prices. The results of these inquiries were:

Dealer	Price	Delivery
Stockton Dodge	\$14,300	12-14 weeks
Weil Motors	\$14,800	12-14 weeks
Swift Dodge	\$15,000	6 months

The recommendation to the City Council was that the Council concur in the purchase of the two mini-vans from Hayward Dodge where the order was originally placed for the reasons enumerated herein. The Council took that action and the minutes are correct as written and approved.

ITEM REMOVED FROM
AGENDA

Agenda item E-15 "Accept Improvements Under Well Drilling, Well 22, 2040 South Cherokee Lane, Contract and direct the Public Works Director to file a Notice of Completion with

Continued December 21, 1988

the County Recorder's Office" was removed from the Agenda with the concurrence of the City Council, on motion of Mayor Pro Tempore Snider, Hinchman second.

PUBLIC HEARING SET
REGARDING UNMET
TRANSIT NEEDS

CC-50(b)

Following discussion, on motion of Mayor Pro Tempore Snider, Hinchman second, the City Council set a public hearing to receive input on unmet transit needs for 1:30 p.m., Wednesday, January 18, 1989 at Loel Center and to be continued until 7:30 p.m. Wednesday, January 18, 1989.

The City Council was advised that, annually, the City Council must hold a public hearing to receive public comments on unmet transit needs. This meeting while held by the City Council is to give the San Joaquin Council of Government (COG) staff information to determine the City's unmet transit needs.

This is a critical hearing in that unmet transit needs have first claim on TDA (SB325) dollars.

USE OF COMMUNITY
SERVICE AND WORK
FURLOUGH PROGRAMS

CC-6

CC-7(b)

At a recent City Council meeting, the Council requested a report prior to the end of the year on the City's use of temporary part-time help available through the Community Service Program and the Work Furlough Program. The CC-126 Community Service Program consists of court assignment of community service hours to persons convicted of various transgressions. This program has worked well at Hutchins Street Square, but has not proven effective elsewhere in the organization. The Sheriff's Work Furlough program, which consists of people working in lieu of jail time, is utilized to some extent. It has proven to be of value in one area (the City garage) but generally unsatisfactory in others.

Following discussion, with questions being directed to staff, the City Council, on motion of Mayor Pro Tempore Snider, Hinchman second, concurred with the suggestion that County officials be invited to a future shirtsleeve session to discuss this problem.

COMMENTS BY CITY
COUNCIL MEMBERS

The following comments were received under the "Comments by City Council Members" segment of the agenda:

QUESTIONS POSED
REGARDING INSTALLATION
OF STOP LIGHTS AT
LOWER SACRAMENTO ROAD
AND KETTLEMAN LANE

CC-45(a)

CC-48(a)

Mayor Pro Tempore Snider posed questions regarding the installation of stop lights at Lower Sacramento Road and Kettleman Lane indicating that it does not appear they are being installed at the ultimate location.

QUESTIONS POSED
REGARDING CITY'S
TRAVEL POLICY

CC-6

Following introduction of the subject by Council Member Hinchman, Mayor Pinkerton referred to Staff the formulating of a policy to protect anyone who travels with the City or City officials.

Continued December 21, 1988

STAFF ASKED TO
INVESTIGATE CROSSWALK
AT PINE STREET, WEST
OF SACRAMENTO
STREET

Council Member Reid requested that Staff look at the crosswalk at Pine Street, west of Sacramento Street, as it appears to be sinking again.

CC-16
CC-45(a)
CC-48(b)

INQUIRY BY COUNCIL
MEMBER HINCHMAN REGARDING
PROCLAMATION FOR "MARTIN
LUTHER KING DAY"

No formal action was taken by the City Council following an inquiry by Council Member Hinchman regarding a proclamation for "Martin Luther King Day".

CC-37

CITY COUNCIL EXPRESSES
DISPLEASURE OVER SAN
FRANCISCO BOARD OF
SUPERVISORS GRAPE
BOYCOTT

Following introduction of the matter by Council Member Hinchman, the City Council concurred that a letter should be sent to the San Francisco Board of Supervisors expressing concern regarding its recent approval of a grape boycott. It was also suggested that a letter should be forwarded to the League of California Cities suggesting that, in view of the adoption of the boycott, no further League functions should be held in San Francisco.

CC-6
CC-7(i)
CC-16
CC-61

HOLIDAY GREETINGS
EXTENDED TO ALL
CITIZENS OF THE
COMMUNITY

Mayor Pinkerton wished everyone a very Merry Christmas.

COMMENTS BY THE
PUBLIC ON NON
AGENDA ITEMS

The following comments were received under the "Comments by the public on non-agenda items" segment of the agenda:

COUNCIL RECEIVES
CITIZENS COMPLAINT
REGARDING PROBLEMS
BEING ENCOUNTERED IN
A HOME RECENTLY
PURCHASED

Shirley Plath, 1439 Voelker Drive, Lodi, spoke about problems being encountered with a home they recently purchased and asked whom they might turn to for assistance in resolving the problems.

CC-16

PUBLIC HEARINGS

There were no public hearing scheduled for this meeting.

PLANNING COMMISSION
REPORT

City Manager Peterson presented the following Planning Commission Report of the Planning Commission Meeting of November 14, 1988:

CC-35

The Planning Commission -

ITEMS OF INTEREST

1. Conditionally approved the request of Jerry and Wanda Higgins for a Use Permit for a residential day care facility for 12 children at 2100 Alpine Drive in an area zoned P-D(10) Planned Development District No. 10.
2. Determined that a "Zoning Hardship" existed and approved the request of Angelo Fanos on behalf of James Charlesworth to erect a fence in excess of 42 inches in

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a frontyard area at 421 South Central Avenue in an area zoned C-1, Neighborhood Commercial.

3. Extended the request of Jean Huffman for a Use Permit for a caretaker/watchman's mobilehome for Harris Pine Mills at 1111 South Stockton Street in an area zoned M-2, Heavy Industrial.
4. Set a Special Meeting and Public Hearing for January 16, 1989 to consider recommending an Ordinance banning additional off-premise signs and establishing a period for removal of existing off-premise signs.
5. Set a Public Hearing for November 28, 1988 to consider the proposed Sidewalk Vendors' Ordinance as prepared by the City Attorney.
6. Requested the City Attorney to prepare an Ordinance which would limit the distance between large residential day care centers in residential zones to 500 feet.

The City Manager also gave the following report concerning the Planning Commission Meeting of November 28, 1988:

The Planning Commission -

FOR ACTION OF THE CITY COUNCIL

1. Recommended that the City Council adopt the Sidewalk Vendors' Ordinance as prepared by the City Attorney.

The Planning Commission also -

OF INTEREST TO THE CITY COUNCIL

1. Approved the request of Cecil Dillon, Dillon Engineering, on behalf of Sid and Glenda Crawford for a one year extension (i.e. January 1990) for the Approved Tentative Map of a 1-lot, eight unit, residential condominium project at 1016 South Hutchins Street in an area zoned R-MD, Medium Density Multiple Family Residential.
2. Conditionally approved the request of Kenneth H. Glantz, Glantz-Deimler Engineering Associates on behalf of J.W. Properties for a lot line adjustment between Lots 37, 38 and 39, The Meadows, Unit No. 2 (i.e. 2207, 2211, and 2217 Orchis Drive) in an area zoned P-D(24), Planned Development District No. 24.
3. Conditionally approved the request of Terry Piazza, Baumbach and Piazza, Consulting Engineers, on behalf of Howard and Brad Clark for a lot line adjustment to create one lot from two parcels at 615 and 621 East Pine Street in an area zoned M-1, Light Industrial.
4. Partially approved the request of Robert Morris, Morris and Wenell Architects, on behalf of D and B Partners, Ltd. to vary the parking requirements for an office complex at 1806 West Kettleman Lane in an area zoned P-D(21), Planned Development No. 21, by determining that the enclosed lobby was not leasable space and therefore did not require off-street parking.

Continued December 21, 1988

5. Recommended that the San Joaquin County Planning Commission (1) deny the request of Full Gospel Tabernacle Pentecostal Church of God for a Use Permit to operate a day care center, which is the first phase of a multi-phase church complex, at 3971 East Woodbridge Road, and (2) require the preparation of an Environmental Impact Report for the overall project.

It was the City Planning Commission's belief that the conversion of prime agricultural land, growth inducement, increased traffic and air pollution, all constituted the basis for an E.I.R.

The City Manager gave the following report regarding the Planning Commission Meeting of December 12, 1988:

The Planning Commission -

OF INTEREST TO THE CITY COUNCIL

1. Determined that a child day care center was a permitted use in an M-2, Heavy Industrial Zone and took no action on the request of Robbyn L. Reiswig for a Use Permit for a residential day care facility at 1797 South Stockton Street.
2. Set a Special Meeting and Public Hearing for 7:30 p.m., Tuesday, December 27, 1988 to consider the following requests of Marc Siegal, c/o First Fidelity Realty Group:
 - a. to amend the Land Use Element of the Lodi General Plan by redesignating the parcel at 2500 West Turner Road (APN 029-030-39, R.C.A. Global) from Office-Institutional to Commercial.
 - b. to rezone the parcel at 2500 West Turner Road (APN 029-030-39, R.C.A. Global) from R-C-P, Residential-Commercial-Professional to C-S, Commercial Shopping Center.
 - c. to certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above projects.
3. Removed from the agenda the request of Gary Kroll for the approval of a Tentative Parcel Map to divide 601 North Loma Drive (APN 035-171-01) into two parcels in an area zoned R-1, Single-Family Residential, and suggested the applicant reapply when he is able to go forward with the project.
4. Conditionally approved the request of Terry Piazza, c/o Baumbach and Piazza, Consulting Engineers on behalf of Lodi Memorial Hospital for a Tentative Parcel Map to create three parcels for a portion of 975 South Fairmont Avenue (APN 031-070-01) in an area zoned R-C-P, Residential-Commercial-Professional.
5. Conditionally approved the request of Terry Piazza, c/o Baumbach and Piazza, Consulting Engineers, on behalf of J. Jeffrey Kirst for a Tentative Parcel Map to create four parcels from two at 1314 and 1318 South Washington Street (APN's 047-270-03 and 04) in an area zoned R-1, Single-Family Residential (East Side Rezoning).

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COMMUNICATIONS
(CITY CLERK)

CLAIMS

CC-4(c)

On recommendation of the City Attorney and the City's Contract Administrator, the City Council on motion of Council Member Olson, Hinchman second, denied the following claims and referred them back to the City's Contract Administrator, ADJUSTCO:

- a) Stanley Whitman on behalf of Tabatha Ann Whitman, DOL 9/20/88
- b) Arch F. and Elizabeth Deulley, DOL 7/13/88
- c) Kimberly Gosselin, DOL 4/30/88

ALCOHOLIC BEVERAGE
LICENSE
APPLICATIONS

CC-7(f)

City Clerk Reimche presented the following applications which had been received for Alcoholic Beverage Licenses:

- a) Alvin G/Janice E. Allmendinger, The Bee Hive, 105 West Pine Street, Lodi, On Sale Beer and Wine Public Premises, Original License
- b) Dewok Investments, Inc., Big E's Lockeroom Saloon, 920-D South Cherokee Lane, Lodi, On Sale General Eating Place, Person to person and premise to premise Transfer

PUC APPLICATIONS

CC-7(f)

City Clerk Reimche presented the application of Pacific Bell, A Corporation, for authority to restructure and reprice certain high speed digital service rates and to implement an off-setting surcharge for intraLATA services.

RESIGNATION RECEIVED
FROM LODI SENIOR CITIZENS
COMMISSIONER

CC-2(i)

On motion of Council Member Hinchman, Olson second, the City Council received, with regrets, the resignation of Senior Citizens Commissioner George L. Sande and directed the City Clerk to post for the vacancy.

APPOINTMENTS TO
VARIOUS BOARDS AND
COMMISSIONS

On motion of Council Member Reid, Hinchman second, the City Council concurred with the following appointments and reappointments made to various City boards and commissions by Mayor Pinkerton:

APPOINTMENT

CC-2(k)

LODI ARTS COMMISSION	3 YEAR TERM (Expiring)
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Neba Matthiessen	May 5, 1991
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CC-2(h)

LODI RECREATION COMMISSION	4 YEAR TERM (Expiring)
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Stephen G. Scott	Dec. 31, 1992
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REAPPOINTMENT

CC-2(i)	<u>LODI SENIOR CITIZENS COMMISSION</u>	<u>4 YEAR TERMS</u> (Expiring)
	Shirley Jean Kleim	Dec. 31, 1992
	Eleanor Todd	Dec. 31, 1992
CC-2(1)	<u>SITE PLAN & ARCHITECTURAL REVIEW COMMITTEE</u>	<u>4 YEAR TERMS</u> (Expiring)
	Donald P. Kundert	Jan. 1, 1993

HERITAGE P.T.A.
EXPRESSES CONCERN
FOR SAFETY OF CHILDREN
ATTENDING HERITAGE AS
A RESULT OF THE LIGHT
SITUATION IN FRONT OF
THAT SCHOOL

CC-7(e)
CC-16
CC-133

The City Council referred to Staff the letter received from Theresa Parks, Vice President, Heritage School P.T.A., expressing concern for the safety of children attending Heritage School because of the poor lighting in front of the school.

REGULAR CALENDAR

ITEM REMOVED FROM
AGENDA

On motion of Council Member Hinchman, Olson second, Agenda item K-1 - "Award contract for Installation of Mechanical Equipment and New Roof on Cafeteria Building at Hutchins Street Square, 600 West Oak Street" was removed from the agenda.

PLANS AND SPECIFICATIONS
FOR HUTCHINS STREET
SQUARE SENIOR COMPLEX,
600 WEST OAK STREET
APPROVED

CC-12.1(a)

The City Council, on motion of Council Member Reid, Hinchman second, approved the plans and specifications for Hutchins Street Square Senior Complex, 600 West Oak Street, and authorized advertising for bids.

The City Council was apprised that this project consists of renovation of the old Boys' and Girls' Gymnasiums and swimming pool into a Senior Complex that fits into the master plan of the Community Center.

The City of Lodi is the recipient of a \$2.6 million gift from the estate of William G. Holz, a local industrialist. On August 31, 1988, \$2 million was received; \$600,000 is expected at the close of the estate by December 31, 1988. The will specified the monies be used to provide a senior facility at Hutchins Street Square.

Morris and Wenell Architects and Planners, Inc. has designed a large multipurpose room, indoor swimming pool, senior information and referral center, senior day-care facility, and parking facilities. The City is currently negotiating a contract with Lodi Memorial Hospital to operate a senior day-care facility for 30 clients in one portion of the new Senior Complex.

The overall plan includes, but funds are not available at this time to provide, the following amenities: landscaping, a walled garden area next to the day care center, an outdoor patio for the multipurpose room, additional parking facilities, and outdoor trellises.

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The City received two independent estimates on construction costs for this facility:

Larry E. Hultgren Co.	\$2,618,354
Lee Saylor & Associates	\$2,659,340

Construction is estimated to take 12 months and, if begun in February 1989, then should be ready for occupancy in March 1990.

Additional funding will be required. At the time of award, when actual figures are available, a recommendation will be made. The estimated costs are based on the following breakdown:

Construction	\$2,650,000
Architectural Fees	184,000
Inspection	35,000
Sidewalk on Rose & Oak	13,000
Miscellaneous Items	18,000
Contingencies	100,000
	<u>\$3,000,000</u>

Old Lodi High School Site Foundation Chairman, Dennis Bennett and Bob Morris, Morris and Wenell Architects and Planners, Inc., were in the audience and responded to questions as were posed by the Council.

GENERAL PLAN UPDATE

CC-53(a)

The City Council received a report from Community Development Director Schroeder regarding the General Plan Update and on motion of Council Member Olson, Hinchman second, approved holding a joint meeting with the Planning Commission on January 25, 1989 to review the Consultant's Options Assessment Report.

CLASS SPECIFICATIONS AND SALARY RANGE APPROVED FOR THE POSITION OF PERSONNEL ANALYST

RES. NO. 88-174

CC-34

On motion of Council Member Reid, Olson second, the City Council adopted Resolution No. 88-174 authorizing the addition to the work force of the position of Personnel Analyst, and approving the class specification and salary range for same.

The City Council was reminded that its regular meeting of November 2, 1988, the City Council heard a recommendation for a mid-year staff addition in the Personnel Department. The Council deferred action at that meeting to become more familiar with the personnel operation prior to making its decision. Mid-year staff additions are extraordinary. Normally, requested new positions are brought to the City Council only as part of the budgetary process. This situation is unusual. When the City launched the recruitment for a new Personnel Director the City Council was advised that one of the first assignments of the person hired would be to evaluate the existing operation and staff and then recommend appropriate action where attention was needed.

This position, if approved, will represent the first addition to the professional staff in the personnel operation since the office was established 21 years ago. At that time, the City's work force numbered 226. Today it stands at 367, an increase of 62%. During the same period,

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the City's population has grown from 27,000 to 50,000, an increase of 85%. Population growth translates to heightened activity in the personnel office in the form of more requests for job opportunity information and greatly increased responses to advertised vacancies, particularly entry-level positions. In addition, the personnel administration function has become increasingly more complex than it was two decades ago. Such areas as affirmative action, equal opportunity employment, employee rights, test validity, the Peace Officers Procedural Bill of Rights, an emerging body of civil rights law, and others either did not exist then, or were given far less formal attention. In fact, the Meyers-Millias-Brown Act which put in place the requirement for negotiating with employees on wages, hours and other terms and conditions of employment was not in effect when this office was established. While the Assistant City Manager is the City's chief negotiator, the personnel office has the responsibility for the day-to-day administration of the six memorandums of understanding which are constantly in place.

The present turn-over rate in City employment is 9% which equates to 33 full-time positions which must be filled annually. In addition, the City Council authorized staff increases of 14 positions in 1987-88 and 16 in 1988-89. At the present time the City has 18 authorized unfilled positions. The Personnel Director is devoting full-time to filling these vacancies which takes her away from the primary purpose of that position which is to develop and maintain a totally professional personnel operation.

CITY COUNCIL APPROVES
POLICY ALLOWING CITY
STAFF TO PLAN FUTURE
WATER WELL LOCATIONS
WITHIN THE "DEFINED
AREA" OF THE LODI-EAST
BAY MUNICIPAL UTILITY
DISTRICT DECREE

CC-183(b)

The City Council was advised that, as part of their work on the Water Master Plan, the City's water consultant, Psomas and Associates, has recommended that some future wells be drilled within the "defined area" of the "Lodi Decree". Since this is not in accordance with the City's past practices, staff wishes to have the City Council approve this concept in order to proceed with the Master Plan.

The City has not drilled additional wells in this area because of past interpretations of the "Lodi Decree". The "Lodi Decree" is the final judgement in a lawsuit between the City of Lodi and the East Bay Municipal Utility District in the 1930s. The Decree essentially established that the Mokelumne River is the main source of recharge for the Lodi area groundwater and that East Bay Municipal Utility District may have some future obligation to maintain groundwater levels. As part of the Master Plan work, Psomas retained a water rights attorney, Ms. Virginia Cahill, of the firm of McDonough, Holland, and Allen, to review the Decree with respect to the question of future well siting. Ms. Cahill stated, "The judgement clearly permits the City to redrill old wells or to drill new wells within the defined area".

The "defined area" is an area from which the City has a right to 3,600 acre feet of groundwater on an annual basis. The Decree places an obligation on East Bay Municipal Utility District to furnish some water to the City or to meet a certain release schedule only under a

Continued December 21, 1988

very limited set of circumstances. These circumstances were described in a summary presented for the City Council's review. Drilling additional wells in the defined area enables the City to best utilize our rights. It does not give up or make any rights available to someone else.

Psomas and staff agree that it is unlikely the City will ever reap any direct benefit from the Decree. The Decree certainly was important at the time. However, to continue to design and operate the City's water system on 50 year old assumptions is not realistic.

Following a lengthy discussion with questions being directed to staff, the City Council, on motion of Council Member Hinchman, Olson second approved a policy allowing City staff to plan future water well locations within the "defined area" of the Lodi Decree. Further the City Manager was directed to meet with Attorney-at-law Thomas A. Shephard who is a recognized expert on the subject.

ORDINANCES

ORDINANCE AMENDING
LODI MUNICIPAL CODE
SECTION 17.60.100 -
RELATING TO OFF-STREET
PARKING IN CERTAIN
AREAS

ORD. NO. 1442
ADOPTED

CC-45(i)
CC-48(f)
CC-149

Ordinance No. 1442 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Section 17.60.100 - Relating to Off-Street Parking in Certain Areas", having been introduced at a regular meeting of the Lodi City Council held November 16, 1988, was brought up for passage on motion of Council Member Hinchman, Olson second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Hinchman, Olson, and
Pinkerton (Mayor)

Noes: Council Members - Reid and Snider

Absent: Council Members - None

ADJOURNMENT

There being no further business to come before the City Council, Mayor Pinkerton adjourned the meeting at approximately 8:40 p.m.

ATTEST:

Alice M. Reimche
Alice M. Reimche
City Clerk